

Reprint  
as at 1 April 2020



## Real Estate Agents (Licensing) Regulations 2009 (SR 2009/282)

Rt Hon Sir Peter Blanchard, Administrator of the Government

### Order in Council

At Wellington this 28th day of September 2009

Present:

His Excellency the Administrator of the Government in Council

Pursuant to section 156 of the Real Estate Agents Act 2008, His Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Expiry of regulations 5, 11, and 12(2) and Schedule 1	3
5 Transitional forms [ <i>Expired</i> ]	3
6 Forms	3
7 Manner of advertising of application for licence	4
8 Notice of objection	4
9 Submission by applicant in response to objection	5

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Justice.**

10	Obligation to notify Registrar of changes	5
11	Interim prescribed qualification to obtain salesperson's, branch manager's, or agent's licence <i>[Expired]</i>	5
12	Prescribed qualification to obtain salesperson's, branch manager's, or agent's licence	6
13	Prescribed qualification to renew salesperson's, branch manager's, or agent's licence	7
14	Temporary licences	7
15	Applications to which Trans-Tasman Mutual Recognition Act 1997 applies	7
16	Revocation	7
	<b>Schedule 1</b>	8
	<b>Transitional forms</b>	
	<i>[Expired]</i>	
	<b>Schedule 2</b>	9
	<b>Forms</b>	
	<b>Schedule 3</b>	34
	<b>Prescribed qualifications</b>	

## Regulations

### 1 Title

These regulations are the Real Estate Agents (Licensing) Regulations 2009.

### 2 Commencement

- (1) These regulations, except regulation 12, come into force on 17 November 2009.
- (2) Regulation 12 comes into force on 1 July 2010.

### 3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**Act** means the Real Estate Agents Act 2008

**Registrar** means the Registrar of the register of licensees appointed under section 33 of the Act

**workforce development council** means the workforce development council for the real estate industry established under section 479 of the Education Act 1989.

- (2) A reference to a numbered form in these regulations is a reference to that form in Schedule 1 or 2.

- (3) Unless the context otherwise requires, terms used in these regulations have the same meaning as in the Act.

Regulation 3(1) **industry training organisation**: revoked, on 1 April 2020, by section 78(2) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Regulation 3(1) **workforce development council**: inserted, on 1 April 2020, by section 78(2) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

#### **4 Expiry of regulations 5, 11, and 12(2) and Schedule 1**

- (1) Regulation 5 and Schedule 1, unless sooner revoked, continue in force until the close of 31 March 2010, and then expire and are deemed to be revoked.
- (2) Regulation 11, unless sooner revoked, continues in force until the close of 30 June 2010, and then expires and is deemed to be revoked.
- (3) Regulation 12(2), unless sooner revoked, continues in force until the close of 31 December 2010, and then expires and is deemed to be revoked.

#### **5 Transitional forms**

*[Expired]*

Regulation 5: expired, on 1 April 2010, by regulation 4(1).

#### **6 Forms**

The forms in Schedule 2 specified in the first column of the following table must be used in respect of the matters specified in the third column:

<b>Form</b>	<b>Relevant section of Act</b>	<b>Matter</b>
1	38	Application by an individual for an agent's licence
2	38	Application by a company for an agent's licence
3	38	Application for a branch manager's licence
4	38	Application for a salesperson's licence
5	38	Declaration in support of an application by an individual for an agent's, branch manager's, or salesperson's licence
6	38	Declaration in support of an application by a company for an agent's licence
7	52	Application for renewal of an agent's licence issued to an individual, a branch manager's licence, or a salesperson's licence
8	52	Application for renewal of an agent's licence issued to a company
9	62	Application for a temporary licence to carry on business as an agent

<b>Form</b>	<b>Relevant section of Act</b>	<b>Matter</b>
10	43(2)	Evidence of issue or renewal of licence

## 7 Manner of advertising of application for licence

- (1) For the purpose of section 39 of the Act, an application for a licence must be advertised as follows:
  - (a) the applicant must advertise the application for at least 14 consecutive days on an Internet site maintained by or on behalf of the Authority; and
  - (b) the advertising must state—
    - (i) the applicant's full name; and
    - (ii) whether the applicant is an individual or a company; and
    - (iii) if the applicant is an individual, the applicant's full address; and
    - (iv) if the applicant is a company, the full address of the principal place from which it intends to operate; and
    - (v) whether the applicant intends to apply for a licence under section 38 of the Act as an agent, a branch manager, or a salesperson.
- (2) The Authority must ensure that the Internet site displays the first date on which an application is advertised on the site.
- (3) Intermittent failure or unavailability of the Authority's Internet site does not affect the validity of the advertising.

Regulation 7: replaced, on 31 July 2014, by regulation 4 of the Real Estate Agents (Licensing) Amendment Regulations 2014 (LI 2014/196).

## 8 Notice of objection

- (1) A notice of objection to an application made under section 38 of the Act for an agent's, a branch manager's, or a salesperson's licence must contain the following information:
  - (a) the objector's name and contact details; and
  - (b) the name of the applicant to whom the objection relates; and
  - (c) *[Revoked]*
  - (d) the ground or grounds of objection, being 1 or more of the grounds specified in section 40(2) of the Act.
- (2) A notice of objection must be made to the Registrar not later than 14 days after the first date on which the application is advertised on the Authority's Internet site.

Regulation 8(1)(c): revoked, on 31 July 2014, by regulation 5(1) of the Real Estate Agents (Licensing) Amendment Regulations 2014 (LI 2014/196).

Regulation 8(2): replaced, on 31 July 2014, by regulation 5(2) of the Real Estate Agents (Licensing) Amendment Regulations 2014 (LI 2014/196).

## **9 Submission by applicant in response to objection**

An applicant who wishes to respond under section 41 of the Act to a notice of objection must send a written submission to the Registrar within 14 days after the date on which the Registrar sends the applicant a copy of the notice under section 40(4) of the Act.

## **10 Obligation to notify Registrar of changes**

- (1) A company that is licensed as an agent must give written notice to the Registrar under section 67 of the Act of any change in—
  - (a) the identity of the officer who is, or the officers who are, licensed as an agent as required under section 44(2) of the Act; or
  - (b) circumstances of any licensee referred to in paragraph (a) that causes, or may cause, that licensee to become prohibited from holding an agent's licence under section 37(1)(a), (b), (e), (g), (i), or (2) of the Act; or
  - (c) the identity of the persons who are officers of the company, including the addition of any new officer, and the removal or resignation of any existing officer as advised to the Registrar in the company's most recent application relating to the company's licence; or
  - (d) circumstances of any officer of the company that may result in that officer, by reason of his or her personal character or financial position, no longer being a proper person to be an officer of a licensee company.
- (2) An individual who is licensed as an agent, a branch manager, or a salesperson must give written notice to the Registrar under section 67 of the Act of any change in circumstances that—
  - (a) causes, or may cause, that individual to become prohibited from holding a licence under section 37(1)(a), (b), (e), (g), (i), or (2) of the Act; or
  - (b) may result in that individual no longer being a fit and proper person to be licensed as an agent, a branch manager, or a salesperson.
- (3) If, before a licence is issued to an applicant, there is a change in circumstances that affects the information provided on the application form or any accompanying statutory declaration submitted by that applicant, the applicant must give written notice of that change to the Registrar under section 67 of the Act.

## **11 Interim prescribed qualification to obtain salesperson's, branch manager's, or agent's licence**

*[Expired]*

Regulation 11: expired, on 1 July 2010, by regulation 4(2).

**12 Prescribed qualification to obtain salesperson's, branch manager's, or agent's licence**

- (1) The prescribed qualification that a person must hold before he or she is entitled to be licensed is one of the following, completed within the period specified in subclause (2):
  - (a) in the case of a person applying to be licensed as a salesperson,—
    - (i) the National Certificate in Real Estate (Salesperson) (Level 4):
    - (ii) the New Zealand Certificate in Real Estate (Salesperson) (Level 4):
    - (iii) a qualification listed in Schedule 3, together with the completion of an assessment, if any, that is required by the workforce development council to demonstrate sufficient knowledge of real estate agency work:
    - (iv) a qualification listed under paragraph (b) or (c):
  - (b) in the case of a person applying to be licensed as a branch manager,—
    - (i) version 3, or a later version, of the National Certificate in Real Estate (Branch Manager) (Level 5):
    - (ii) the Graduate Diploma in Business Studies (Real Estate) conferred by Massey University:
    - (iii) the New Zealand Certificate in Real Estate (Branch Manager) (Level 5):
    - (iv) a qualification listed in Schedule 3, together with the completion of an assessment, if any, that is required by the workforce development council to demonstrate sufficient knowledge of real estate agency work:
    - (v) a qualification listed under paragraph (c):
  - (c) in the case of a person applying to be licensed as an agent,—
    - (i) the National Diploma in Real Estate (Agent) (Level 5):
    - (ii) the Graduate Diploma in Business Studies (Real Estate) conferred by Massey University:
    - (iii) the New Zealand Diploma in Business (Real Estate) (Level 6):
    - (iv) a qualification listed in Schedule 3, together with the completion of an assessment, if any, that is required by the workforce development council to demonstrate sufficient knowledge of real estate agency work.
- (2) The period within which a prescribed qualification must have been completed is,—
  - (a) for a qualification listed in Schedule 3, together with any required assessment, the 10 years preceding the application for the licence; and

- (b) for any other qualification specified in subclause (1), the 3 years preceding the application for the licence.

Regulation 12: replaced, on 15 September 2017, by regulation 4 of the Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221).

Regulation 12(1)(a)(iii): amended, on 1 April 2020, by section 78(2) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Regulation 12(1)(b)(iv): amended, on 1 April 2020, by section 78(2) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Regulation 12(1)(c)(iv): amended, on 1 April 2020, by section 78(2) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Original regulation 12(2): expired, on 1 January 2011, by regulation 4(3).

### **13 Prescribed qualification to renew salesperson's, branch manager's, or agent's licence**

The prescribed qualification that a licensee must hold before he or she is entitled to renew his or her salesperson's, branch manager's, or agent's licence is,—

- (a) in the case of a licensee seeking to renew a licence first granted under the Act, the qualification that entitled that licensee to first be granted that licence; or
- (b) in the case of a licensee seeking to renew a licence that he or she is deemed by section 166 or 167 of the Act to hold, the training, qualifications, or experience (or any combination of them) that entitled that licensee to first be granted a licence or certificate of approval under the Real Estate Agents Act 1976.

### **14 Temporary licences**

If, pursuant to an application under section 62(2) of the Act, the Registrar permits a person to carry on a licensee's business as an agent, the Registrar must endorse the permission on the licence.

### **15 Applications to which Trans-Tasman Mutual Recognition Act 1997 applies**

For the purposes of any application for a licence under the Act by a person to whom the Trans-Tasman Mutual Recognition Act 1997 applies,—

- (a) the local licensing authority is, for the purposes of the Trans-Tasman Mutual Recognition Act 1997, the Real Estate Agents Authority;
- (b) the applicant may, if he or she so wishes, give the notice referred to in section 19(1) of the Trans-Tasman Mutual Recognition Act 1997 in a form provided by the Real Estate Agents Authority.

### **16 Revocation**

The Real Estate Agents Regulations 1977 (SR 1977/248) are revoked.

**Schedule 1**  
**Transitional forms**  
*[Expired]*

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Schedule 1: expired, on 1 April 2010, by regulation 4(1).

## Schedule 2 Forms

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### Contents

	Page
1	Application by individual for agent's licence 10
2	Application by company for agent's licence 13
3	Application for branch manager's licence 16
4	Application for salesperson's licence 19
5	Declaration in support of application by individual for agent's licence, branch manager's licence, or salesperson's licence 22
6	Declaration in support of application by company for agent's licence 24
7	Application for renewal of agent's licence issued to individual, branch manager's licence, or salesperson's licence 26
8	Application by company for renewal of agent's licence 28
9	Application for temporary licence to carry on business as agent 30
10	Evidence of licence 32
11	Advertisement concerning application by individual for agent's, branch manager's, or salesperson's licence <i>[Revoked]</i> 33
12	Advertisement concerning application by company for agent's licence <i>[Revoked]</i> 33

Form 1  
Application by individual for agent's licence  
*Section 38, Real Estate Agents Act 2008*

***Real Estate Agents Authority***

**Licence history**

I have/have not\* previously held a licence or certificate of approval.

\*Select one.

The most recent licence or certificate of approval that I have held is: [*Strike out any that do not apply.*]

Agent's licence registration number:

Branch manager's licence registration number:

Salesperson's licence registration number:

Branch manager's certificate of approval number:

Salesperson's certificate of approval number:

**Details of applicant**

Surname:

Given name(s):

Other names: [*specify any other name(s) that you use or have used*]

Date of birth:

Home address:

Business address:

Address for communications: [*specify preferred address for communications. If your preferred address for communications is not the home address or business address specified above, provide details of your preferred address for communications (for example, specify an email address or postal address).*]

*Telephone numbers*

Business:

Home:

Mobile:

Fax:

**Identification**

Driver licence number: [*number*], version number: [*number*]

***or***

Passport number: [*number*], nationality as shown on passport: [*nationality*]

### **Qualifications and experience**

I hold [*name and date of qualification*], being a qualification that entitles me to be licensed as an agent. My evidence that I hold that qualification is [*specify proof of qualification required by the Registrar*].

In the 10 years preceding this application I have had at least 3 years' experience in real estate agency work, as follows: [*list the name(s) and address(es) of the place(s) where you obtained your experience, and start and end dates*].

### **Future workplace (if known)**

[*Strike out the following paragraph if it does not apply.*]

If an agent's licence is granted to me, I will work at the following real estate business:

Name and address:

Name of franchise group or marketing group under which the above real estate business operates (if any):

### **Referees**

[*Provide the names, addresses, and telephone numbers of 2 referees who have known you for at least 12 months and who are not related to you. One referee must be a current licensee. The other referee must not be a current or former licensee or have held an agent's licence or a branch manager's or salesperson's certificate of approval under the Real Estate Agents Act 1976.*]

Name:

Postal address:

Telephone number:

Name:

Postal address:

Telephone number:

### **Consent and certification**

I consent to the making of inquiries to, and the exchange of information with, the authorities in New Zealand or in any participating jurisdiction regarding matters relevant to this application.

I certify that the above particulars are true and correct.

Date:

Signature:

Name: [*print name*]

(applicant)

**Notes**

- 1 A copy of this application, together with the prescribed statutory declaration, the prescribed fee, and any supporting documents (including sufficient authorisation to release information concerning the applicant's criminal history and any proof of qualifications that is required by the Registrar) must be sent to the Registrar. Fees are prescribed by the Authority by *Gazette* notice and can be found on the Authority's Internet site.
- 2 Before a licence can be issued, the application must be advertised in accordance with regulation 7 of the Real Estate Agents (Licensing) Regulations 2009.
- 3 A person who does not have either a driver licence or passport as proof of identity must contact the Registrar, who may agree to accept some other form of proof on a case-by-case basis and at the discretion of the Registrar.
- 4 An applicant who provides misleading or false information commits an offence and is liable to a penalty of a fine not exceeding \$40,000.

Schedule 2 form 1: amended, on 15 September 2017, by regulation 5(1) of the Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221).

Form 2  
Application by company for agent's licence  
*Section 38, Real Estate Agents Act 2008*

***Real Estate Agents Authority***

**Licence history**

The company has/has not\* previously held an agent's licence.

\*Select one.

Licence registration number (if any):

**Details of applicant company**

Company name:

Trading name of business:

Name of franchise group or marketing group (if any):

Postal address:

Address of registered office:

Address of principal place of business (if different from above):

Address for communications: [*specify preferred address for communications. If the preferred address for communications is not one of the addresses specified above, provide details of the preferred address for communications (for example, specify an email address or postal address).*]

Contact person for inquiries about this application:

Telephone number:

Email address:

**Officer(s) of the company licensed as agent**

Details of the officer/officers\* of the company who is/are\* licensed as an agent as required by section 44(2) of the Real Estate Agents Act 2008 are:

\*Select one.

[*List the name, position, and licence registration number of each officer.*]

**All officers of the company**

Details of all officers of the company, including the officer(s) listed above, are:

[*List the following details of all officers of the company (or persons who will be officers of the company if this application is granted):*

- *name of officer:*
- *position in company:*
- *any other name(s) that are used or have been used:*

- *address:*
- *telephone number:*
- *mobile number:*
- *email address:*
- *driver licence number and version number or passport number and nationality as shown on the passport:*
- *the names, addresses, and telephone numbers of 2 referees who have known the officer for at least 12 months, and who are not related to the officer. One referee may be a current licensee. The other referee must not be a current or former licensee or have held an agent's licence or a branch manager's or salesperson's certificate of approval under the Real Estate Agents Act 1976.]*

### **Consent and certification**

I consent to the making of inquiries to, and the exchange of information with, the authorities in New Zealand or in any participating jurisdiction regarding matters relevant to this application.

I certify that the above particulars are true and correct and that I am duly authorised to make this application.

Date:

Signature:

Name: [*print name*]

Position in the company:

### **Notes**

- 1 A copy of this application, together with the prescribed statutory declaration, the prescribed fee, and any supporting documents (including sufficient authorisation to release information concerning the criminal history of **every officer of the company**), must be sent to the Registrar. Fees are prescribed by the Authority by *Gazette* notice and can be found on the Authority's Internet site.
- 2 Before a licence can be issued, the application must be advertised in accordance with regulation 7 of the Real Estate Agents (Licensing) Regulations 2009.
- 3 If a person does not have either a driver licence or passport as proof of identity, the Registrar may agree to accept some other form of proof on a case-by-case basis and at the discretion of the Registrar.

- 4 An applicant who provides misleading or false information commits an offence and is liable to a penalty, in the case of an individual, of a fine not exceeding \$40,000 or, in the case of a company, of a fine not exceeding \$100,000.

Schedule 2 form 2: amended, on 15 September 2017, by regulation 5(2) of the Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221).

Form 3  
Application for branch manager's licence

*Section 38, Real Estate Agents Act 2008*

***Real Estate Agents Authority***

**Licence history**

I have/have not\* previously held a licence or certificate of approval.

\*Select one.

The most recent licence or certificate of approval that I have held is: [*strike out any that do not apply*]

Agent's licence registration number:

Branch manager's licence registration number:

Salesperson's licence registration number:

Branch manager's certificate of approval number:

Salesperson's certificate of approval number:

**Details of applicant**

Surname:

Given name(s):

Other names: [*specify any other name(s) that you use or have used*]

Date of birth:

Home address:

Business address:

Address for communications: [*specify preferred address for communications. If your preferred address for communications is not the home address or business address specified above, provide details of your preferred address for communications (for example, specify an email address or postal address).*]

*Telephone numbers*

Business:

Home:

Mobile:

Fax:

**Identification**

Driver licence number: [*number*], version number: [*number*]

***or***

Passport number: [*number*], nationality as shown on passport: [*nationality*]

### **Qualifications and experience**

I hold [*name and date of qualification*], being a qualification that entitles me to be licensed as a branch manager. My evidence that I hold that qualification is [*specify proof of qualification required by the Registrar*].

In the 10 years preceding this application I have had at least 3 years' experience in real estate agency work, as follows: [*list the name(s) and address(es) of the place(s) where you obtained your experience, and start and end dates*].

### **Future workplace (if known)**

[*Strike out the following paragraph if it does not apply.*]

If a branch manager's licence is granted to me, I will work at the following real estate business:

Name and address:

Name of franchise group or marketing group under which the above real estate business operates (if any):

### **Referees**

[*Provide the names, addresses, and telephone numbers of 2 referees who have known you for at least 12 months and who are not related to you. One referee must be a current licensee. The other referee must not be a current or former licensee or have held an agent's licence or a branch manager's or salesperson's certificate of approval under the Real Estate Agents Act 1976.*]

Name:

Postal address:

Telephone number:

Name:

Postal address:

Telephone number:

### **Consent and certification**

I consent to the making of inquiries to, and the exchange of information with, the authorities in New Zealand or in any participating jurisdiction regarding matters relevant to this application.

I certify that the above particulars are true and correct.

Date:

Signature:

Name: [*print name*]

(applicant)

### Notes

- 1 A copy of this application, together with the prescribed statutory declaration, the prescribed fee, and any supporting documents (including sufficient authorisation to release information concerning the applicant's criminal history and any proof of qualifications that is required by the Registrar) must be sent to the Registrar. Fees are prescribed by the Authority by *Gazette* notice and can be found on the Authority's Internet site.
- 2 Before a licence can be issued, the application must be advertised in accordance with regulation 7 of the Real Estate Agents (Licensing) Regulations 2009.
- 3 A person who does not have either a driver licence or passport as proof of identity must contact the Registrar, who may agree to accept some other form of proof on a case-by-case basis and at the discretion of the Registrar.
- 4 An applicant who provides misleading or false information commits an offence and is liable to a penalty of a fine not exceeding \$40,000.

Schedule 2 form 3: amended, on 15 September 2017, by regulation 5(3) of the Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221).

Form 4  
Application for salesperson's licence  
*Section 38, Real Estate Agents Act 2008*

***Real Estate Agents Authority***

**Licence history**

I have/have not\* previously held a licence or certificate of approval.

\*Select one.

The most recent licence or certificate of approval that I have held is:

*[Strike out any that do not apply.]*

Agent's licence registration number:

Branch manager's licence registration number:

Salesperson's licence registration number:

Branch manager's certificate of approval number:

Salesperson's certificate of approval number:

**Details of applicant**

Surname:

Given name(s):

Other names: *[specify any other name(s) that you use or have used]*

Date of birth:

Home address:

Business address:

Address for communications: *[specify preferred address for communications. If your preferred address for communications is not the home address or business address specified above, provide details of your preferred address for communications (for example, specify an email address or postal address).]*

*Telephone numbers*

Business:

Home:

Mobile:

Fax:

**Identification**

Driver licence number: *[number]*, version number: *[number]*

***or***

Passport number: *[number]*, nationality as shown on passport: *[nationality]*

**Qualifications**

I hold [*name and date of qualification*], being a qualification that entitles me to be licensed as a salesperson. My evidence that I hold that qualification is [*specify proof of qualification required by the Registrar*].

**Future workplace (if known)**

[*Strike out the following paragraph if it does not apply.*]

If a salesperson's licence is granted to me, I will work at the following real estate agency business:

Name and address:

Name of franchise group or marketing group under which the above real estate agency business operates (if any):

Name of agent or branch manager who will supervise my work (if applicable):

Address of supervising agent or branch manager:

Telephone number:

Licence registration number:

**Referees**

[*Provide the names, addresses, and telephone numbers of 2 referees who have known you for at least 12 months and who are not related to you. One referee may be a current licensee. The other referee must not be a current or former licensee or have held an agent's licence or a branch manager's or salesperson's certificate of approval under the Real Estate Agents Act 1976.*]

Name:

Postal address:

Telephone number:

Name:

Postal address:

Telephone number:

**Consent and certification**

I consent to the making of inquiries to, and the exchange of information with, the authorities in New Zealand or in any participating jurisdiction regarding matters relevant to this application.

I certify that the above particulars are true and correct.

Date:

Signature:

Name: [*print name*]  
(applicant)

**Notes**

- 1 A copy of this application, together with the prescribed statutory declaration, the prescribed fee, and any supporting documents (including sufficient authorisation to release information concerning the applicant's criminal history and any proof of qualifications that is required by the Registrar) must be sent to the Registrar. Fees are prescribed by the Authority by *Gazette* notice and can be found on the Authority's Internet site.
- 2 Before a licence can be issued, the application must be advertised in accordance with regulation 7 of the Real Estate Agents (Licensing) Regulations 2009.
- 3 A person who does not have either a driver licence or passport as proof of identity must contact the Registrar, who may agree to accept some other form of proof on a case-by-case basis and at the discretion of the Registrar.
- 4 An applicant who provides misleading or false information commits an offence and is liable to a penalty of a fine not exceeding \$40,000.

Schedule 2 form 4: amended, on 15 September 2017, by regulation 5(4) of the Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221).

## Form 5

## Declaration in support of application by individual for agent's licence, branch manager's licence, or salesperson's licence

*Section 38, Real Estate Agents Act 2008*

***(Important: This document must accompany your application form)***

***Real Estate Agents Authority***

I, [*name, address*], am the applicant for an agent's/a branch manager's/a salesperson's\* licence and I solemnly and sincerely declare that—

\*Select one.

1 I have attained the age of 18 years.

2 I hold the prescribed qualifications.

[*Strike out paragraph 3 if the application and declaration relate to a salesperson's licence.*]

3 I have had 3 years' experience in real estate agency work within the 10 years preceding this application to be licensed as an agent or a branch manager.

4 I have provided the Real Estate Agents Authority with the information necessary for it to advertise my licence application on its Internet site in the prescribed manner.

5 I have not been convicted, whether in New Zealand or another country, of a crime involving dishonesty (or of a crime that, if committed in New Zealand, would be a crime involving dishonesty) within the 10 years preceding this application.

6 I have not been convicted of an offence under section 14, 17 to 22, or 24 of the Fair Trading Act 1986 within the 5 years preceding this application.

7 [*Select the paragraph below that applies.*]

There are no unsatisfied judgments against me in any court.

***or***

Judgments obtained against me that are still unsatisfied are on the list attached to this declaration.

8 My licence or certificate of approval has not been cancelled within the preceding 5 years and my licence (if applicable) is not suspended.

9 I am not subject to an order made, or a notice given, under the law of a country, State, or territory outside New Zealand within the preceding 5 years that prohibits me from acting as an agent, a branch manager, or a salesperson (or equivalent) in that country, State, or territory.

10 I am not an officer of a licensee company, a chief executive officer of a licensee company, or a branch manager who has been disqualified from holding a

licence or whose licence has been suspended under the Real Estate Agents Act 1976.

- 11 I am not prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993.
- 12 I am not a lawyer or conveyancing practitioner who is subject to the provisions of the Lawyers and Conveyancers Act 2006.
- 13 I am not an undischarged bankrupt nor am I subject to subpart 4 of Part 5 of the Insolvency Act 2006.

I also solemnly and sincerely declare that—

- 14 There are no other circumstances that would or might make me not a fit and proper person to hold a licence.
- 15 I am the person named in the documents submitted with my application.
- 16 The documents submitted with the application are complete and correct.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature of person making declaration:

*This section to be completed by the witness*

Declared at [*place, date*]

Before me: [*name, signature*]

Name of witness: [*print name*]

(Justice of the Peace/other person authorised to take a statutory declaration\*)

\*Select one.

### **Note**

A person who provides misleading or false information in this declaration commits an offence and is liable to a significant penalty.

Schedule 2 form 5: amended, on 15 September 2017, by regulation 5(5) of the Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221).

Schedule 2 form 5: amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

## Form 6

## Declaration in support of application by company for agent's licence

*Section 38, Real Estate Agents Act 2008*

**(Important: This document must accompany your application form)**

**Real Estate Agents Authority**

I, [full name], the [state official position in company, eg, managing director, director, secretary] of [name of company], solemnly and sincerely declare that—

1 I have provided the Real Estate Agents Authority with the information necessary for it to advertise the company's licence application on the Authority's Internet site in the prescribed manner.

2 The following officer(s) of the company is/are\* licensed as an agent as required by section 44(2) of the Real Estate Agents Act 2008:

\*Select one.

Full name:

Position in the company:

Licence registration number:

3 Every officer of the company is, by reason of his or her personal character and financial position, a proper person to be an officer of a licensee company for the purposes of section 43(1)(c) of the Real Estate Agents Act 2008.

*[If any officer of the company is unable to fulfil the criteria to be a proper person, strike out the above paragraph and provide the name of the officer, their position in the company, and details explaining why the officer is not a proper person by reason of personal character or financial position.]*

4 *[Select the paragraph below that applies.]*

There are no unsatisfied judgments against the company in any court.

**or**

Judgments obtained against the company that are still unsatisfied are on the list attached to this declaration.

I also solemnly and sincerely declare that—

5 The documents submitted with the application are complete and correct.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature of person making declaration:

*This section to be completed by the witness*

Declared at [*place, date*]

Before me: [*name, signature*]

Name of witness: [*print name*]

(Justice of the Peace/other person authorised to take a statutory declaration\*)

\*Select one.

**Note**

A person who provides misleading or false information in this declaration commits an offence and is liable to a significant penalty.

Schedule 2 form 6: amended, on 15 September 2017, by regulation 5(6) of the Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221).

## Form 7

Application for renewal of agent's licence issued to individual, branch  
manager's licence, or salesperson's licence*Section 52, Real Estate Agents Act 2008****Real Estate Agents Authority*****Application**

I apply for renewal of the agent's/branch manager's/salesperson's\* licence, registration number [*number*], issued to me on [*date*].

\*Select one.

**Details of applicant**

Surname:

Given name(s):

Other names: [*specify any other name(s) that you use or have used*]

Date of birth:

Home address:

Business address:

Address for communications: [*specify preferred address for communications. If your preferred address for communications is not the home address or business address specified above, provide details of your preferred address for communications (for example, specify an email address or postal address).*]

***Telephone numbers***

Business:

Home:

Mobile:

Fax:

**Current workplace (if any)**

Name and address of real estate agency business:

Name of franchise group or marketing group under which the above real estate agency business operates (if any):

**Continuing education**

[*Select the paragraph below that applies.*]

I have completed the following continuing education as required by the Real Estate Agents Authority: [*specify details*]. My evidence that I have completed that continuing education is [*specify proof of continuing education as required by the Registrar*].

*or*

I am not required to complete any continuing education because [*specify reason*].

**Eligibility to be licensed**

The circumstances that make me eligible to hold a licence in respect of sections 36 and 37 of the Real Estate Agents Act 2008 have not changed since my most recent application relating to the licence or last advice to the Registrar regarding a change of circumstances in accordance with section 67 of the Real Estate Agents Act 2008.

**Consent and certification**

I consent to the making of inquiries to, and the exchange of information with, the authorities in New Zealand or in any participating jurisdiction regarding matters relevant to this application.

I certify that the above particulars are true and correct.

Date:

Signature:

Name: [*print name*]

(applicant)

**Notes**

- 1 A copy of this application, together with the prescribed fee, and any supporting documents (including sufficient authorisation to release information concerning the applicant's criminal history and any proof of continuing education undertaken that is required by the Registrar) must be sent to the Registrar. Fees are prescribed by the Authority by *Gazette* notice and can be found on the Authority's Internet site.
- 2 An applicant who provides misleading or false information commits an offence and is liable to a penalty of a fine not exceeding \$40,000.

## Form 8

## Application by company for renewal of agent's licence

*Section 52, Real Estate Agents Act 2008***Real Estate Agents Authority****Application**

I apply for renewal of the agent's licence, registration number [*number*], issued to the company on [*date*].

**Details of applicant**

Company name:

Trading name of business:

Name of franchise group or marketing group (if any):

Address of registered office:

Address of principal place of business (if different from above):

Address for communications: [*specify preferred address for communications. If your preferred address for communications is not one of the addresses specified above, provide details of your preferred address for communications (for example, specify an email address or postal address).*]

Contact person for inquiries about this application:

Telephone number:

Email address:

**Eligibility to be licensed**

I confirm that the following officer/officers\* of the company is/are\* licensed as an agent as required by section 44(2) of the Real Estate Agents Act 2008:

\*Select one.

[*List the name, position in company, and licence registration number of each officer.*]

The following, who are officers of the company, are proper persons to be officers of a licensee company by reason of personal character and financial position:

[*List the following details of all officers of the company (including the officer(s) listed in the previous section):*]

- *name of officer:*
- *position in company:*
- *any other name(s) that are used or have been used:*
- *address:*
- *telephone number:*
- *mobile number:*

- *email address:*
- *driver licence number and version number or passport number and nationality as shown on the passport.]*

### **Consent and certification**

I consent to the making of inquiries to, and the exchange of information with, the authorities in New Zealand or in any participating jurisdiction regarding matters relevant to this application.

I certify that the above particulars are true and correct and that I am duly authorised to make this application.

Date:

Signature:

Name: [*print name*]

Position in the company:

### **Notes**

- 1 A copy of this application, together with the prescribed fee, and any supporting documents (including sufficient authorisation to release information concerning the criminal history of **every officer of the company**) must be sent to the Registrar. Fees are prescribed by the Authority by *Gazette* notice and can be found on the Authority's Internet site.
- 2 If a person does not have either a driver licence or passport as proof of identity, the Registrar may agree to accept some other form of proof on a case-by-case basis and at the discretion of the Registrar.
- 3 An applicant who provides misleading or false information commits an offence and is liable to a penalty, in the case of an individual, of a fine not exceeding \$40,000 or, in the case of a company, of a fine not exceeding \$100,000.

## Form 9

## Application for temporary licence to carry on business as agent

*Section 62, Real Estate Agents Act 2008***Real Estate Agents Authority****Application***[Select the paragraph below that applies.]*

I apply for permission to carry on the business as an agent at present licensed in the name of *[name of licensee]* under licence registration number *[number]*, which was granted on *[date]*.

**or**

I apply for permission to appoint *[name, address]* to carry on the business as an agent at present licensed in the name of *[name of licensee]* under licence registration number *[number]*, which was granted on *[date]*.

The licence is attached for endorsement.

**Details of applicant**

Full name:

Address:

Capacity: *[specify capacity in which application is made]*

**Certification**

I certify that I am duly authorised to make this application.

Date:

Signature:

Name: *[print name]*

(applicant)

**Notes**

- 1 An application for a temporary licence should be made only when such a licence is essential to enable a real estate agency business to continue in operation (for example, in the case of a death, receivership, or similar circumstance).
- 2 A copy of this application, together with the licence to which this application refers, the prescribed fee, and any supporting documents that the Registrar may

require, must be sent to the Registrar. Fees are prescribed by the Authority by *Gazette* notice and can be found on the Authority's Internet site.

Form 10

Evidence of licence

*Sections 43(2)(b) and 52(2), Real Estate Agents Act 2008*

***Real Estate Agents Authority***

**Licence**

Agent's/Branch manager's/Salesperson's\* licence registration number:

\*Select one.

**Name of licensee**

*[Insert full name of person or company.]*

Date of expiry:

Date issued:

Signature:

(Registrar)

*[Seal of the Real Estate Agents Authority]*

Form 11

Advertisement concerning application by individual for agent's, branch  
manager's, or salesperson's licence

*[Revoked]*

Schedule 2 form 11: revoked, on 31 July 2014, by regulation 6 of the Real Estate Agents (Licensing) Amendment Regulations 2014 (LI 2014/196).

Form 12

Advertisement concerning application by company for agent's licence

*[Revoked]*

Schedule 2 form 12: revoked, on 31 July 2014, by regulation 6 of the Real Estate Agents (Licensing) Amendment Regulations 2014 (LI 2014/196).

### Schedule 3

#### Prescribed qualifications

r 12

Schedule 3: replaced, on 15 September 2017, by regulation 6 of the Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221).

Bachelor of Business (Property) conferred by Massey University

Bachelor of Business Studies (Real Estate) conferred by Massey University

Bachelor of Business Studies (Valuation and Property Management) conferred by Massey University

Bachelor of Commerce (Valuation and Property Management) conferred by Lincoln University

Bachelor of Land and Property Management conferred by Lincoln University

Bachelor of Property conferred by University of Auckland

Bachelor of Property Administration conferred by University of Auckland

Membership of the Royal Institution of Chartered Surveyors as a member or fellow with chartered designation in general practice, commercial property, residential property, or valuation

Michael Webster,  
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 1 October 2009.

## **Reprints notes**

### **1    *General***

This is a reprint of the Real Estate Agents (Licensing) Regulations 2009 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1): section 78(2)

Real Estate Agents (Licensing) Amendment Regulations 2017 (LI 2017/221)

Real Estate Agents (Licensing) Amendment Regulations 2014 (LI 2014/196)

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Real Estate Agents (Licensing) Regulations 2009 (SR 2009/282): regulation 4